

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

WARREN PARKS,)	
)	
Plaintiff,)	
vs.)	1:12-cv-0532-JMS-DKL
)	
RON RICE, of the New Castle Corr.,)	
)	
Defendant.)	

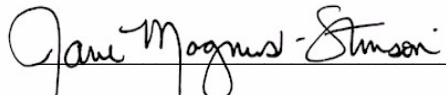
ENTRY

Given the timing of the plaintiff's motion for review relative to the entry of final judgment on April 26, 2012, and given the arguments set forth in such motion, the motion is treated as a motion pursuant to Rule 59(e) of the *Federal Rules of Civil Procedure*. See *Borrero v. City of Chicago*, 456 F.3d 698, 701-02 (7th Cir. 2006) (explaining that whether a motion filed within the time frame contemplated by Rule 59(e) should be analyzed under Rule 59(e) or Rule 60(b) of the *Federal Rules of Civil Procedure* depends on the *substance* of the motion, not on the timing or label affixed to it).

There was no error of law or of understanding the plaintiff's prior "strikes" for purposes of determining whether the barrier created by 28 U.S.C. § 1915(g) was applicable in this case or in determining that the "immediate termination" of the lawsuit was proper pursuant to rule of *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). No new evidence has been offered. Accordingly, the plaintiff's motion for review [6], treated as a motion to alter or amend judgment, is **denied**. *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006)(Altering or amending a judgment under Rule 59(e) is permissible when there is newly discovered evidence or there has been a manifest error of law or fact.®)(citing *Bordelon v. Chicago Sch. Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000)).

IT IS SO ORDERED.

Date: 05/23/2012


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Warren Parks

DOC #116977

Correctional Industrial Facility

Inmate Mail/Parcels

5124 West Reformatory Road

Pendleton, IN 46064